

The MarTech Group, Inc.

August 23, 2022

Chairman
Fraudulent Business Filings Working Group
c/o Colorado Secretary of State
Via email: business@coloradosos.gov

Dear Working Group Chair:

I own a small consulting business in Colorado. While no one has ever attempted to register our business name, or a variant thereof, in Colorado, we do have experience with a similar problem.

We registered an Internet domain name in 1993, when few people had even heard of the Internet. It has turned out to be a much-desired domain name, and we are often approached by organizations wishing to buy the name. People in other countries have attempted to register the same name with their local registrar. Fortunately, those registrars are responsible administrators who immediately contact us for confirmation that we authorized the registration, which we have never done.

I'm writing this letter to the Committee to point out that the revisions to the Colorado Statutes enacted by the Colorado legislature are inadequate because they depend upon receipt of a complaint. For most businesses, that is probably much too late, serious damage may have already occurred, and the culprits may have long since disappeared.

I would like to recommend a more proactive approach be implemented by the Secretary of State's office: prompt verification of the identity of any/all persons named in the filing. This could be accomplished through the same mechanism described in the statute: mailing and emailing a notice to the registered agent that requires confirmation of the registration and the accuracy of the information provided.

I realize this goes beyond the mandates of the statute revisions and that funds had not been allocated for this additional effort or the mailing expense. The additional effort is small but not trivial. Because the necessary data will have already been stored in digital form, creating the mail piece and the email is not a difficult automation process. However, establishing a follow-up process requires personnel, procedures, and some computer programming. I have no idea if the Secretary of State's budget has enough flexibility to cover the creation of such a validation program. However, without that initial step, much of the effort described in the legislation will be of little or no value.

Most sincerely,
The MarTech Group, Inc.

Roger M. Loeb
President and CEO